

Presentment Date: June 1, 2022

Objection Deadline: May 31, 2022 at 4:00 p.m. (AST)

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, COFINA, HTA,
ERS, and PBA.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE
HUNDRED SEVENTY-FOURTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO, PUERTO RICO SALES TAX FINANCING
AUTHORITY, PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY,
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO, AND PUERTO RICO PUBLIC BUILDINGS
AUTHORITY TO LATE-FILED CLAIMS (ECF NO. 17923)**

PLEASE TAKE NOTICE that, on May 24, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Authority (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Employees Retirement System of the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, HTA, ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit a *Notice of Presentment of Proposed Order Granting the Three Hundred Seventy-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Sales Tax Financing Corporation, Puerto Rico Highways and Transportation Authority, Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and Puerto Rico Public Buildings Authority to Late-Filed Claims* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on August 20, 2021, the Debtors, by and through the Oversight Board, filed the *Three Hundred Seventy-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Sales Tax Financing Corporation, Puerto Rico Highways and Transportation Authority, Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and Puerto Rico Public Buildings Authority to Late-Filed Claims* [ECF No. 17923] (the “Three Hundred Seventy-Fourth Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Three Hundred Seventy-Fourth Omnibus Objection was initially scheduled for hearing on October 6, 2021, and was subsequently adjourned, pursuant to notices, to the Claim Objection Hearings.

PLEASE TAKE FURTHER NOTICE that any party against whom the Three Hundred Seventy-Fourth Omnibus Objection was served, or any other party to the Debtors’ Title III cases

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Seventy-Fourth Omnibus Objection with the clerk's office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on September 20, 2021 (the "Response Deadline").

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Seventy-Fourth Omnibus Objection, if no responses were filed by the Response Deadline, the Three Hundred Seventy-Fourth Omnibus Objection "will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise." Ex. C to Three Hundred Seventy-Fourth Omnibus Objection, ECF No. 17923-4, at 2.

PLEASE TAKE FURTHER NOTICE that counsel for the claimants associated with Proofs of Claim Nos. 174604, 174660, and 174661 (the "Claims Heard at December 2021 Omnibus Hearing") filed a response before the Response Deadline, which was heard by the Court at the December 15, 2021 omnibus hearing, during which the Court sustained the Three Hundred Seventy-Fourth Omnibus Objection as to the Claims Heard at December 2021 Omnibus Hearing.

PLEASE TAKE FURTHER NOTICE that, on December 8, 2021, this Court entered the *Order Regarding Adjourned Omnibus Objections to Claims* [ECF No. 19461] (the "Order Regarding Adjourned Omnibus Objections"), scheduling hearings on January 19-20, 2022, at 9:30 a.m. (Atlantic Time) (the "January Claim Objection Hearing"), and February 16-17, 2022, at 9:30 a.m. (Atlantic Time) (the "February Claim Objection Hearing," and together with the January Claim Objection Hearing, the "Claim Objection Hearings"), to consider, *inter alia*, the Three Hundred Seventy-Fourth Omnibus Objection. *Order Regarding Adjourned Omnibus Objections* at 1.

PLEASE TAKE FURTHER NOTICE that on February 11, 2022, the Court entered the *Order Concerning Replies in Support of the Three Hundred Seventy-Fourth Omnibus Objection to Claims* [ECF No. 20113] (the “Order”) which directed the Oversight Board to “file an informative motion stating (i) which proofs of claims are Bond-Related Claims; and (ii) the extent to which the Oversight Board is seeking the disallowance of Bond-Related Claims” “prior to submitting a proposed order in connection with the Three Hundred Seventy-Fourth Omnibus Objection.” *Id.*

PLEASE TAKE FURTHER NOTICE that, on May 24, 2022, the Debtors submitted the *Informative Motion of the Commonwealth of Puerto Rico, the Puerto Rico Sales Tax Financing Authority, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority Regarding Three Hundred Seventy-Fourth Omnibus Objection (Substantive) to Late-Filed Claims and the Three Hundred Ninety-Seventh Omnibus Objection (Substantive) to Late-Filed Claims* [ECF No. 20953], which identified which proofs of claim subject to the Three Hundred Seventy-Fourth Omnibus Objection assert liabilities associated with bonds and clarified that the Debtors seek to disallow those claims solely to the extent they assert liabilities other than principal, interest, or fees and expenses.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimants associated with Proofs of Claim Nos. 108658, 113161, 131274, 135104, 145387, 152213, 153293, 158327, 158363, 160968, 165427, 167977, 167986, 168000, 168048, 168595, 171116, 171301, 173121, 173790, 174092, 174485, 175179, 177676, 177765, 178772, 178943, 178975, 179193, 179355, 179367, 179392, 179428, 179433, 179439, 179447, 179457, and 179463 listed on **Exhibit A** hereto have responded to the Three Hundred Seventy-Fourth Omnibus Objection (the

“Non-Bond Claims to Be Heard”), and Proofs of Claim Nos. 167898, 167899, 173713, 173735, 173757, and 179204 listed on **Exhibit B** hereto have also responded to the Three Hundred Seventy-Fourth Omnibus Objection (the “Bond-Related Claims to Be Heard,” and together with the Non-Bond Claims to Be Heard, the “Claims to Be Heard”), on or before the Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, LLC (“Prime Clerk”), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) forwarded to counsel for the Oversight Board.

PLEASE TAKE FURTHER NOTICE that, at the Claim Objection Hearings, the Debtors prosecuted, and the Court sustained, in part, the Three Hundred Seventy-Fourth Omnibus Objection as to the Claims to Be Heard.

PLEASE TAKE FURTHER NOTICE that, with the exception of the Claims to Be Heard, as of the Response Deadline, the Claimants associated with (1) all other claims listed on **Exhibit A** hereto (the “Non-Bond Claims to Be Disallowed via Notice of Presentment”) and (2) all other claims listed on **Exhibit B** hereto (the “Bond-Related Claims to Be Partially Disallowed via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit C** is a proposed order (the “Proposed Order”) (1) disallowing the Claims Heard at December 2021 Hearing, (2) disallowing the Non-Bond Claims to Be Heard, (3) partially disallowing the Bond-Related Claims to Be Heard, (4) partially disallowing the Bond-Related Claims to Be Partially Disallowed via Notice of Presentment, and (5) disallowing in their entirety the Non-Bond Claims to Be Disallowed via Notice of Presentment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-

1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Time) on May 31, 2022**, the relief requested shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

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Dated: May 24, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

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(Admitted *Pro Hac Vice*)

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